No. D. 2260—*I. & C.* 113-35-22, *dated Bangalore,*
2nd—13th September 1937.

The following draft amendments to the Workmen's Compensation Rules, 1929, which the Government propose to make in exercise of the powers conferred on them by Section 31 (1) of the Workmen's Compensation Regulation, 1928, as amended by Regulation III of 1936, are hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 1st December 1937. Any objections or suggestions which may be received from any person with respect to the said rules before the date aforesaid will be taken into consideration.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

Amendments to the Mysore Workmen's Compensation Rules, 1929.

PART I.

Review of half-monthly payments and commutation thereof.

"Omit sub-rule (*d*). Read sub-rule (*e*) as sub-rule (*d*) and insert the following as sub-rule (*e*). Rule 3.

"Either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record."

PART II.

Deposit of compensation and registration of dependants.

Under sub-rule (1), after the words "An employer depositing compensation with the Commissioner under Rule 6.

sub-section (1) of section 8," insert the following words :—

"In respect of a workman whose injury has resulted in death."

Insert the following after the words "Form B" appearing under sub-rule (1).

"In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form "AA" and shall be given a receipt in Form 'B'."

Under sub-rule (2) delete the words, "if in the statement referred to in sub-rule (1) the employer indicates" and substitute the following :—

"If when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1)."

Rule 7. After the words, "in respect of whose death" add the words "Or injury."

Rule 8. For sub-rule (1) substitute the following sub-rule :—

"A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in form 'G'."

For the heading "Procedure where no compensation deposited" appearing against sub-rule (1) of rule 8, substitute the following heading :—

"Application by dependants for deposit of compensation."

In sub-rule (2) before the words, "The Commissioner shall dispose of", insert the words "If compensation has not been deposited."

Rule 10. Substitute the following rule for rule 10 "Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank."

PART III.

For the title "Inquiry by employer" appearing under Part III, substitute the following title :—

"Reports of Accidents."

Rule 12. Insert the following rule as rule 12 before sub-rule (1) of rule 12.

"The report required by section 10 B shall, subject to such rules, if any, as may be made by Government be in the form "EE."

Insert the heading "Report of fatal accidents" against rule 12.

Read rule 12 (1) as rule 12 A (1) and substitute the words "who has received information of an accident" for the words "to whom notice of an accident has been given" appearing under this rule.

Substitute the words "Information received" for the words "Notice given" appearing in the heading against Rule 12A (1).

PART V.

PROCEDURE.

Substitute the following for sub-rule (1) of rule 21. Rule 21.

"On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner."

After sub-rule (2) insert the following sub-rules as sub-rules 3 and 4. Rule 37.

(3) "If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified, by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form "JJ."

(4) "If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form "JJ" or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in

default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just."

Substitute the following sub-rule for sub-rule (3) and re-number it as sub-rule (5).

" In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify."

Rule 39. Insert the following rule as rule 39-A after rule 39.

" Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

FORMS.

Form A. Substitute the following Form for Form " A ".

After Form " A " insert the following form as Form " AA."

Form "C." In Form ' C ' after the column " Amount deposited " insert the following column :—

" Amount deducted and repaid to the employer under the proviso to section 8 (1)."

Form ' D.' In Form ' D ' after the words " Non-fatal accidents " add the words " Other than to a woman or person under legal disability."

Form ' E.' After Form ' E ' insert the following form as form ' EE.'

Form ' F." Omit the word " Not " appearing under item No. 4 (*a*) of form ' F.'

Delete the words "To determine the following questions in dispute, namely" appearing below item No. 7 and substitute the following :— Form 'G.'

"To award to the applicant the said compensation or any other compensation to which he may be entitled."

Delete the clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) appearing below item No. 7.

After Form 'J' insert the following form as Form 'JJ.' Form 'J.'

After Form 'M' insert the following forms namely Form 'N,' Form 'O' Form 'P' Form 'Q' and Form 'R' published on pages 25 to 50 of Part III of the *Mysore Gazette*, dated 7th March 1929. Form 'M.'

FORM A.

[(*See Rule 6 (1)*]

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

Section 8 (1) of the Workmen's Compensation Regulation.)

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on.....

Name..... ....
Father's name.....
(Husband's name in case of married woman or widow.)
Caste... .....
Local address.....
Permanent address.....

$\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. ..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of $\frac{\text{his}}{\text{her}}$ death.

2. The said workman had, prior to the date of $\frac{\text{his}}{\text{her}}$ death received the following payments, namely :—

Rs. ..... on.....Rs. .... on.....
Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. ..... . on.....
amounting in all to Rs. .....

3. An advance of Rs. .....has been made on account of compensation to.....being $\frac{\text{his}}{\text{her}}$ dependant.

4. *I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated..... .....19 . ...
Employer.

*An employer desiring to be made a party to the proceedings should strike out the words "do not."

FORM AA.

[(*See Rule 6 (1)*.]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(*Section 8 (1) of the Workmen's Compensation Regulation*).

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries sustained by.....residing at.....on.....19 , resulting in the $\frac{\text{loss of}}{\text{temporary disablement}}$. $\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. ..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. .....on.....

Dated.....19 . *Employer.*

FORM EE.

[(*See Rule 12*).]

REPORT OF FATAL ACCIDENTS.

TO

.....

SIR,

I have the honour to submit the following report of an accident which occurred on.....(date), at.....(here enter details of premises) .....and which resulted in the death of the $\frac{\text{workman}}{\text{workmen}}$ of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the $\frac{\text{workman}}{\text{workmen}}$ were as under :—

(*a*) Time of the accident.
(*b*) Place where the accident occurred.
(*c*) Manner in which deceased $\frac{\text{was}}{\text{were}}$ employed at the time.
(*d*) Cause of the accident.
(*e*) Any other relevant particulars.

I have, etc.,

Signature, and designation of person making the report.

Statement.

Name	Sex	Age	Nature of employment	Full postal address

FORM JJ.

NOTICE.

.....Whereas a claim for compensation has been made by..... applicant, against..... and the said..... has claimed that.....is liable under Section 12 (2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stand to him in the relation of a contractor from whom the applicant.....could have recovered compensation you are hereby informed that you may appear before me on..... and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... and your liability to indemnify the opposite party..... ...for any compensation recovered from him.

Dated.....19 .

.....

Commissioner.

FORM N.

(*See Rule 46.*)

Whereas an agreement to pay compensation is said to have been reached between.....and..... .....and whereas..... $\frac{\text{has}}{\text{have}}$ applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Dated.....19 .

.....

Commissioner.

FORM O.

(*See Rules 46 and 47.*)

Take notice that registration of the agreement to pay compensation said to have been reached between you .. ..and on the.....19 . has been refused for the following reasons, namely :—

.....

.....

Dated.....19 .

.....

Commissioner.

FORM P.

(See Rule 47.)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas.....
has / have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....
.....

an opportunity will be afforded to you of showing cause on.....
.....19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated.....19 .

.....

Commissioner.

FORM Q.

(See Rule 47.)

Whereas an agreement to pay compensation is said to have been reached between.....and.....whereas.....
has / have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

....

an opportunity will be afforded to the said..... .....
of showing cause on.....19 .....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated.....19 .

.....

Commissioner.

FORM R.

(See Rule 49.)

REGISTER OF AGREEMENTS FOR THE YEAR 19 .

Serial Number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the register

Dated.....19 .

.....

Commissioner.

Printed by the Superintendent at the Government Press, Bangalore.